

**TRANSMITTAL OF APPEAL BRIEF (Large Entity)**Docket No.
ITL.0315US
AF
*JFM*In Re Application Of: **David B. Kinder, et al.**

Application No.	Filing Date	Examiner	Customer No.	Group Art Unit	Confirmation No.
09/515,272	February 29, 2000	James R. Sheleheda	21906	2623	1987

Invention: **Providing a Viewer Incentive with Video Content****COMMISSIONER FOR PATENTS:**

Transmitted herewith in triplicate is the Appeal Brief in this application, with respect to the Notice of Appeal filed on
February 8, 2006

The fee for filing this Appeal Brief is: **\$500.00**

- A check in the amount of the fee is enclosed.
- The Director has already been authorized to charge fees in this application to a Deposit Account.
- The Director is hereby authorized to charge any fees which may be required, or credit any overpayment to Deposit Account No. **20-1504**
- Payment by credit card. Form PTO-2038 is attached.

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.


SignatureDated: **June 1, 2006**

Timothy N. Trop, Reg. No. 28,994
TROP, PRUNER & HU, P.C.
1616 S. Voss Road, Suite 750
Houston, TX 77057
713/468-8880 [Phone]
713/468-8883 [Fax]

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)] on

June 1, 2006

(Date)


Signature of Person Mailing Correspondence**Nancy Meshkoff**

Typed or Printed Name of Person Mailing Correspondence

cc:



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:
David B. Kinder, et al.
Serial No.: 09/515,272
Filed: February 29, 2000
For: Providing a Viewer Incentive with
Video Content

§ Art Unit: 2623
§ Examiner: James R. Sheleheda
§ Atty Docket: ITL.0315US
(P7998)
§ Assignee: Intel Corporation
§

Mail Stop **Appeal Brief-Patents**
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

APPEAL BRIEF

06/07/2006 EFLORES 00000013 09515272

01 FC:1402

500.00 OP

Date of Deposit: <u>June 1, 2006</u>
I hereby certify under 37 CFR 1.8(a) that this correspondence is being deposited with the United States Postal Service as first class mail with sufficient postage on the date indicated above and is addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Nancy Meshkoff

TABLE OF CONTENTS

REAL PARTY IN INTEREST	3
RELATED APPEALS AND INTERFERENCES.....	4
STATUS OF CLAIMS	5
STATUS OF AMENDMENTS	6
SUMMARY OF CLAIMED SUBJECT MATTER	7
GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL	9
ARGUMENT	10
CLAIMS APPENDIX.....	12
EVIDENCE APPENDIX.....	15
RELATED PROCEEDINGS APPENDIX	16

REAL PARTY IN INTEREST

The real party in interest is the assignee Intel Corporation.

RELATED APPEALS AND INTERFERENCES

None.

STATUS OF CLAIMS

Claims 1-3 (Rejected).

Claim 4 (Canceled).

Claims 5-21 (Rejected).

Claims 22-27 (Canceled).

Claims 1-3 and 5-21 are rejected and are the subject of this Appeal Brief.

STATUS OF AMENDMENTS

All amendments have been entered.

SUMMARY OF CLAIMED SUBJECT MATTER

The claims specifically cover the display of a particular portion of an overall image prior to display of the entire portion. The portion which is displayed first is that portion of an image that has already been earned. It is already earned based on viewing time.

In the following discussion, the independent claims are read on one of many possible embodiments without limiting the claims:

1. A method comprising:

transmitting video content (specification at page 6, line 25-page 7, line 9);

transmitting partial, incomplete portions of a complete viewer incentive image over time in association with said content, such that the portions of said image accumulate depending on viewing time to form said complete image (Figure 2, specification at page 7, line 24-page 8, line 19); and

enabling said partial incomplete portions to be displayed and viewed without displaying the complete incentive image, the extent of said incomplete image that is displayed in the form of said portions being dependent on the time spent viewing video content (Figure 2, specification at page 7, line 24-page 8, line 19).

12. An article comprising a medium for storing instructions that, if executed, enable a processor-based system to:

transmit video content (specification at page 6, line 25-page 7, line 9);

transmit incomplete, incentive image portions of a viewer incentive image in association with said video content, such that said image portions accumulate depending on viewing time (Figure 2, specification at page 7, line 24-page 8, line 19); and

enable said portions to be displayed without displaying the complete incentive image, the extent of the incomplete image that is displayed in the form of said portions being dependent on the time spent viewing video content (specification at page 7, line 24-page 8, line 19).

19. A system comprising:
a video content receiver (Figure 1, 13);
an ancillary content receiver (Figure 1, 15); and
a transmitter (Figure 1, 12) to transmit video content and ancillary information
and transmit image portions of a viewer loyalty incentive image over time so that said portions
accumulate based on viewing time to create said incentive image, and said portions being
viewable without viewing the complete incentive image, the portion of the complete incentive
image in the form of said image portions that is viewable by the user being dependent on the
amount of time spent viewing said video content (specification at page 7, line 4-page 8, line 19).

At this point, no issue has been raised that would suggest that the words in the claims
have any meaning other than their ordinary meanings. Nothing in this section should be taken as
an indication that any claim term has a meaning other than its ordinary meaning.

GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL

- A. Are claims 1-3, 9, 12-15, and 19-20 unpatentable over Dedrick in view of the PNG Specification?

ARGUMENT

A. Are claims 1-3, 9, 12-15, and 19-20 unpatentable over Dedrick in view of the PNG Specification?

Claim 1 calls for transmitting two things. The first thing is video content. The second thing is partial, incomplete portions of a complete viewer incentive image over time in association with said content. Thus, there are two different things because the image must be transmitted in association with the video content.

Moreover, the image must be of a specific nature. Namely, it must accumulate “depending on viewing time to form said complete image” and, more specifically as set forth in the third clause of the claim, the portion of the incomplete image that is displayed is “dependent on the time spent viewing video content.” Thus, the image that is displayed must be different from the video content, but it must also represent time spent viewing the video content.

The office action contends that Dedrick teaches displaying an advertisement which may be a redeemable coupon. However, it is conceded that Dedrick does not disclose “enabling the partial and complete portions to be displayed and viewed without displaying the complete incentive image, the extent of the image that is displayed being dependent on the time spent viewing the video content.” See top four lines of page 3 of the final rejection.

To attempt to meet this missing element, the PNG material is cited. The office action suggests that PNG teaches serial streaming and progressive display of image data. The reference itself calls what it does the ability to fade in the entire image with “gradual improvement in detail.”

It is asserted that PNG teaches the ability to “display a partial, incomplete image as it is received over time.” However, it is never explained how the PNG reference teaches displaying, in particular, those portions earned by viewing. Most certainly, PNG does not remedy the deficiency in Dedrick since it too does not specifically teach displaying first the earned portions.

The Examiner is attempting to read the claim on a reference which simply progressively streams video data. He argues that the amount of the image that is seen is dependent on the time spent viewing because the information is progressively scanned and, therefore, the longer you watch it the more you would see. Of course, the problem with this analysis is that the Examiner’s position is directed to the wrong video information. The Examiner is treating the

streaming video as the incentive image. He can do that, but then he has a problem. The problem arises because now the amount of the information that is displayed is displayed based on the time spent watching the asserted incentive image, not the time spent viewing the separate video content.

In other words, the reference does not teach progressively displaying portions of one image based on time spent viewing something else. As a result, rejection could not be supported under any reading of the claim or the reference and, therefore, the rejection should be reversed.

The asserted rationale to modify is that one would modify Dedrick with the progressive display of the PNG specification “to provide the user with a meaningful display much more rapidly.” This rationale does not reach the claimed limitations. If one wanted to display more rapidly, one would progressively display the overall image with increasing detail.

Requiring that the earned portion (rather than the overall image) be displayed first most certainly delays the rapidity with which the overall image would be presented. In other words, requiring the user to earn by viewing in order to see the entire image necessarily delays image overall presentation. Therefore, a reference which teaches increasing the rapidity of overall image display, necessarily teaches away from the claimed invention.

Moreover, neither reference or their combination (or any motivation asserted to date) gives any reason why one would display first the earned portion of less than all of the image. For either or both of these reasons, it cannot be said that a *prima facie* rejection is made out.

Therefore, the rejection should be reversed.

Applicant respectfully requests that each of the final rejections be reversed and that the claims subject to this Appeal be allowed to issue.

Respectfully submitted,



Date: June 1, 2006

Timothy N. Trop, Reg. No. 28,994
TROP, PRUNER & HU, P.C.
1616 S. Voss Road, Suite 750
Houston, TX 77057
713/468-8880 [Phone]
713/468-8883 [Fax]

Attorneys for Intel Corporation

CLAIMS APPENDIX

The claims on appeal are:

1. A method comprising:
transmitting video content;
transmitting partial, incomplete portions of a complete viewer incentive image over time in association with said content, such that the portions of said image accumulate depending on viewing time to form said complete image; and
enabling said partial incomplete portions to be displayed and viewed without displaying the complete incentive image, the extent of said incomplete image that is displayed in the form of said portions being dependent on the time spent viewing video content.
2. The method of claim 1 wherein transmitting portions of a viewer incentive image in association with said content includes transmitting said viewer incentive image portions together with said video content.
3. The method of claim 1 wherein transmitting video content includes transmitting video programming together with ancillary information and transmitting said viewer incentive image portions as part of said ancillary information.
5. The method of claim 1 including showing the portion of an incentive image which has not yet been earned.
6. The method of claim 1 further including progressively providing incentives which may be collected in a graphical user interface for display.
7. The method of claim 6 including progressively adding incentives to a graphical user interface which may be viewed in a virtual book of pages of incentives.

8. The method of claim 7 including enabling the pages to appear to be turned by operating graphical user interface.

9. The method of claim 1 further including parsing enhanced content from the video content and parsing an incentive from said enhanced content.

10. The method of claim 1 further including determining whether a viewer is actually viewing the video content and accruing the incentive image portion only after determining that the viewer is actually viewing the content.

11. The method of claim 10 including asking a question in the course of the video content to determine that a viewer is actually present and paying attention.

12. An article comprising a medium for storing instructions that, if executed, enable a processor-based system to:

transmit video content;

transmit incomplete, incentive image portions of a viewer incentive image in association with said video content, such that said image portions accumulate depending on viewing time; and

enable said portions to be displayed without displaying the complete incentive image, the extent of the incomplete image that is displayed in the form of said portions being dependent on the time spent viewing video content.

13. The article of claim 12 further storing instructions that cause a processor-based system to transmit said viewer incentive image portions together with said television content.

14. The article of claim 12 further storing instructions that cause a processor-based system to transmit video programming together with ancillary information and transmit said viewer incentive image portions as part of said ancillary information.

15. The article of claim 12 further storing instructions that cause a processor-based system to progressively provide an image portion of an overall incentive image which may be earned by those viewers who view programming for a given amount of time.

16. The article of claim 15 further storing instructions that cause a processor-based system to display a portion of an incentive image which has not yet been earned.

17. The article of claim 12 further storing instructions that cause a processor-based system to determine whether a viewer is actually viewing the video content and accrue the incentive only after determining that the viewer is actually viewing the content.

18. The article of claim 17 further storing instructions that cause a processor-based system to ask a question in the course of providing the video content to determine that a viewer is actually present and paying attention.

19. A system comprising:

a video content receiver;

an ancillary content receiver; and

a transmitter to transmit video content and ancillary information and transmit image portions of a viewer loyalty incentive image over time so that said portions accumulate based on viewing time to create said incentive image, and said portions being viewable without viewing the complete incentive image, the portion of the complete incentive image in the form of said image portions that is viewable by the user being dependent on the amount of time spent viewing said video content.

20. The system of claim 19 wherein said transmitter transmits the ancillary information and video content together.

21. The system of claim 19 wherein said video content and ancillary information are transmitted at separate times.

EVIDENCE APPENDIX

None.

RELATED PROCEEDINGS APPENDIX

None.